

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

and

SHALAINÉ LAWSON,

Plaintiff in Intervention,

vs.

NORVAL ELECTRIC COOPERATIVE,
INC.,

Defendant.

CV-19-71-GF-BMM

ORDER

This Court issued an order on April 3, 2022, requesting that the parties submit a status report regarding the pending state court proceedings in this matter and briefing addressing why this Court should decline to impose a stay pending the final resolution of NorVal Electric Cooperative, Inc.’s (“NorVal”) appeal before the Montana Supreme Court. (Doc. 71). Each party has responded to the Court’s request. (Docs. 74-76). NorVal has raised no objection. U.S. Equal Employment Opportunity Commission (“EEOC”) opposes a stay, citing concerns about

prolonging potential injunctive relief. Intervenor-Plaintiff Lawson (“Lawson”) also opposes a stay. The Court heard the parties’ arguments regarding a stay of this matter during a telephonic status conference on April 12, 2022.

This Court possesses the inherent power to stay proceedings “to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Lawson bases her Motion for Summary Judgment (Doc. 53) on the doctrines of collateral estoppel and res judicata. *See also* (Doc. 54). NorVal’s state court appeal in the Montana Supreme Court remains pending. The matter will not be fully briefed until July 2022. The issues before the Montana Supreme Court potentially could be dispositive regarding application of collateral estoppel and res judicata. Until the Montana Supreme Court renders a decision on the matter, a ruling on Lawson’s Motion for Summary Judgment remains premature. Furthermore, each party has expressed intent to continue communications regarding a potential consent decree that would award EEOC its requested equitable relief. A tailored stay will not hinder these communications.

Accordingly, **IT IS ORDERED** that the Court imposes a temporary stay in this matter until the Montana Supreme Court’s disposition of Case No. DA 21-0603. It is further **ORDERED** that:

1. The parties may to continue the pending discovery during the stay related to EEOC's pursuit of equitable relief and damages, Lawson's pursuit of damages, and NorVal's defense of the claims.
2. The parties may continue to engage in communications regarding a consent decree during the stay.

Dated the 14th day of April, 2022.



Brian Morris, Chief District Judge
United States District Court